



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

July 16, 2018

Re: DOJ-2018-001094 (AG)  
DOJ-2018-001097 (AG)  
DOJ-2018-001096 (AG)  
DOJ-2018-001144 (OLA)  
DOJ-2018-001145 (DAG)  
DOJ-2018-001146 (OLA)  
DOJ-2018-001098 (AG)  
DOJ-2018-001147 (DAG)  
VRB:TAZ:JRS

Mr. Austin R. Evers  
American Oversight  
1350 15<sup>th</sup> Street NW, Suite B255  
Washington, DC 20005  
[foia@americanoversight.org](mailto:foia@americanoversight.org)

Dear Mr. Evers:

This is our final response to your four Freedom of Information Act (FOIA) requests dated November 22, 2017, in which you requested various records pertaining to Rep. Robert Goodlatte's July 27, 2017 and September 26, 2017 letters and the Department's November 13, 2017 response, including (1) records relating to the drafting of the November 13, 2017 letter signed by Assistant Attorney General Stephen Boyd, (2) records reflecting ethics issues or recusal obligations of the Attorney General, (3) guidance to prosecutors who have been directed to evaluate certain issues, and (4) records identifying "senior federal prosecutors who have been directed to evaluated certain issues. This response is made on behalf of the Offices of the Attorney General (OAG), Deputy Attorney General (ODAG), and Legislative Affairs (OLA).

Please be advised that searches have been completed on behalf of the above-referenced offices.

With respect to request (1), relating to the drafting of the November 13, 2017 letter signed by Assistant Attorney General Stephen Boyd, thirty-one pages containing records responsive to your request were located. I have determined that nineteen of these pages are appropriate for release with certain excisions made pursuant to Exemptions 5, 6 and 7(C) of the FOIA, 5 U.S.C. § 552(b)(5), (b)(6) and (b)(7)(C), and copies are enclosed. I have also determined that twelve additional pages containing records responsive to your request should be withheld in full pursuant to Exemption 5 of the FOIA. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could

reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

With respect to requests (2) and (3), relating to records reflecting ethical issues or recusal obligations of the Attorney General<sup>1</sup> and guidance issued to prosecutors, aside from the Department's November 13, 2017 response to Rep. Goodlatte, no additional records responsive to your request were identified in the above-referenced offices. A copy of JMD's letter relating to request (2) is enclosed.

Lastly, with respect to request (4), relating to "[r]ecords sufficient to identify all of the 'senior federal prosecutors' who have been 'directed' 'to evaluate certain issues raised in [Congressman Robert Goodlatte's] letters,'" I note that in a March 29, 2018 letter to congressional committees, the Attorney General identified United States Attorney John W. Huber as leading the Department's evaluation of certain issues raised by House Judiciary Committee Chairman Goodlatte. A copy of this letter is enclosed. No additional records responsive to your request have been identified. To the extent that Mr. Huber engaged other staff to assist his efforts, records identifying such individuals, if requested, would likely be withheld in full pursuant to Exemptions 6, 7(A), and 7(C) of the FOIA, 5 U.S.C. § 552(b)(6), (b)(7)(A) and (b)(7)(C). Exemption 7(A) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2012 & Supp. IV 2016). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Michael Gerardi of the Department's Civil Division, Federal Programs Branch, at (202)-514-0680.

Sincerely,



Timothy Ziese  
Senior Reviewing Attorney  
For  
Vanessa R. Brinkmann  
Senior Counsel

Enclosures

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<sup>1</sup> I understand that the Department's Justice Management Division (JMD) also responded to your request submitted separately to that component for ethics-related records, and advised you on February 15, 2018 that no records were located.



**U.S. Department of Justice**  
Justice Management Division  
*Office of General Counsel*

**FEB 15 2018**

*Washington, D.C. 20530*

Austin R. Evers  
Executive Director  
American Oversight  
1030 15<sup>th</sup> Street, NW, Suite B255  
Washington, DC 20005  
Email: [foia@americanoversight.org](mailto:foia@americanoversight.org)

RE: Your FOIA Request JMD #110380

Dear Mr. Evers:

I am responding on behalf of the Justice Management Division (JMD) to your Freedom of Information Act (FOIA) request dated November 22, 2017, addressed to both the Office of Information Policy (OIP) and JMD, for records relating to analysis of legal-ethics issues or relating to recusal issues in connection with any issues raised by letters dated July 27, 2017, and September 26, 2017, from Congressman Goodlatte. We have conducted a search within the Departmental Ethics Office and have found no records responsive to your request.

You may contact our FOIA Public Liaison at (202) 514-3101 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202 741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to your request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, N.W., Washington, DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at: <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be postmarked or transmitted electronically within 90 days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

  
Arthur E. Gary  
General Counsel



Office of the Attorney General  
Washington, D. C. 20530

March 29, 2018

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

The Honorable Robert W. Goodlatte  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Trey Gowdy  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairmen Grassley, Goodlatte, and Gowdy:

I write in response to recent letters requesting the appointment of a Special Counsel to review certain prosecutorial and investigative determinations made by the Department of Justice in 2016 and 2017. I take the concerns you raise seriously.

Since I took this office, it has been my goal to establish the highest standards for our work and to maintain integrity and discipline throughout the Department of Justice. I know this Department, I respect it and its mission, and I love it and its people. I am deeply proud of the important work that the hardworking men and women of the Department do every day to fight violent crime, reduce opioid addictions and deaths, keep Americans safe from threats both foreign and domestic, and uphold the rule of law. We are determined to be worthy of the responsibility we have been given and to earn the trust of Congress and the American people. I appreciate your support for the Department and our law enforcement community.

It is important that Congress and the American people have confidence in the Department of Justice. No institution is perfect. That is why I and my senior leadership team, including FBI Director Wray, are working every day to ensure the



The Honorable Charles E. Grassley  
The Honorable Robert W. Goodlatte  
The Honorable Trey Gowdy  
Page 2

highest levels of performance and integrity as we carry out our fundamental mission. We view Congress as partners in this effort. However, the law requires that much of the work we are doing to accomplish these goals remain confidential to ensure full and fair process and just outcomes. In that regard, as you know, the Department of Justice cannot provide continuous updates on ongoing investigations, or confirm or deny the existence thereof. This is integral to our duty to adhere to the highest ethical standards, and to ensure that prosecutorial and investigative decisions are made without political bias or favoritism—in either direction.

As you are aware, I have asked the Department's Inspector General, Michael E. Horowitz, to review certain matters that you and some members of your committees have raised in recent and previous letters. In addition to his ongoing investigation, the Inspector General has now confirmed that he has opened a review into the Department's compliance with certain legal requirements and Department and FBI policies and procedures with respect to certain applications filed with the U.S. Foreign Intelligence Surveillance Court.

Congress created the Department's Office of the Inspector General explicitly for the purpose of, among other things, investigating alleged violations of criminal and civil laws by Department employees, including actions taken by former employees after they have left government service. The Inspector General's jurisdiction extends not only to allegations of legal violations, but also to allegations that Department employees violated established policies as well.

To carry out these duties, Title 5 of the United States Code provides the Inspector General with broad discretion and significant investigative powers. The office currently employs approximately 470 staff, a significant number of whom are lawyers, auditors, and investigators who may exercise wide discretion on matters under their jurisdiction. If the Inspector General finds evidence of criminal wrongdoing, he may refer it to a United States Attorney who can then convene a grand jury or take other appropriate actions. To be clear, the Inspector General has the authority to investigate allegations of wrongdoing, collect evidence through subpoena, and develop cases for presentation to the Attorney General and the Deputy Attorney General for prosecution or other action. The Inspector General also may, under appropriate circumstances, make information available to the public even if no criminal or disciplinary action is recommended. In contrast, this type of information would not normally be publicly available after the conclusion of a traditional criminal investigation.

The Honorable Charles E. Grassley  
The Honorable Robert W. Goodlatte  
The Honorable Trey Gowdy  
Page 3

Pursuant to Department of Justice regulations, the appointment of a Special Counsel, by design, is reserved for use in only the most “extraordinary circumstances.” 28 C.F.R. § 600.1(a). Under the regulations, any Special Counsel must be “selected from outside the United States Government.” *Id.* § 600.3(a). To justify such an appointment, the Attorney General would need to conclude that “the public interest would be served by removing a large degree of responsibility for the matter from the Department of Justice.” 64 Fed. Reg. 37038, 37038 (July 9, 1999). The Department has successfully investigated and prosecuted many high-profile, resource-intensive matters since the regulations were promulgated in 1999, but the regulations’ standard has been found to be satisfied on only two occasions.

The regulations recognize that, when presented with a matter “that might warrant consideration of the appointment of a Special Counsel,” the Attorney General may conclude that the circumstances do not justify such a departure “from the normal processes of the Department,” and that he may instead determine that other “appropriate steps” can be taken to mitigate any conflicts of interest. 28 C.F.R. § 600.2(c). Thus, in high-profile circumstances involving other politically sensitive matters, it has been more common to make special arrangements within the Department to ensure that actual or apparent conflicts can be avoided, while experienced and accountable prosecutors conduct an efficient and appropriate investigation that comports with the interests of justice and with the public interest.

As noted in Assistant Attorney General Stephen E. Boyd’s November 13, 2017, letter to the House Committee on the Judiciary, I already have directed senior federal prosecutors to evaluate certain issues previously raised by the Committee. In that letter, Mr. Boyd stated:

“These senior prosecutors will report directly to the Attorney General and the Deputy Attorney General, as appropriate, and will make recommendations as to whether any matters not currently under investigation should be opened, whether any matters currently under investigation require further resources, or whether any matters merit the appointment of a Special Counsel.”

Specifically, I asked United States Attorney John W. Huber to lead this effort. Mr. Huber is an experienced federal prosecutor who was twice confirmed unanimously by the Senate as United States Attorney for the District of Utah in 2015 and 2017. Mr. Huber previously served in leadership roles within the U.S. Attorney’s Office as the National Security Section Chief and the Executive Assistant U.S. Attorney. He has personally prosecuted a number of high-profile cases and coordinated task forces focused against violent crime and terrorism. This work



The Honorable Charles E. Grassley  
The Honorable Robert W. Goodlatte  
The Honorable Trey Gowdy  
Page 4

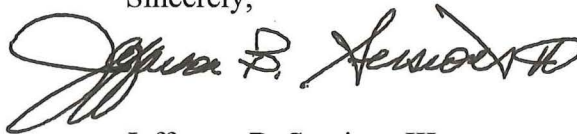
garnered commendations from the highest levels of the Department over the course of two administrations.

Mr. Huber is conducting his work from outside the Washington, D.C. area and in cooperation with the Inspector General. The additional matters raised in your March 6, 2018, letter fall within the scope of his existing mandate, and I am confident that Mr. Huber's review will include a full, complete, and objective evaluation of these matters in a manner that is consistent with the law and the facts. I receive regular updates from Mr. Huber and upon the conclusion of his review, will receive his recommendations as to whether any matters not currently under investigation should be opened, whether any matters currently under investigation require further resources, or whether any matters merit the appointment of a Special Counsel.

We understand that the Department is not above criticism and it can never be that the Department conceals errors when they occur. I expect every person in this Department to adhere to the highest level of integrity, ethics, and professionalism. If anyone falls short of these high standards, I will fulfill my responsibility to take necessary action to protect the integrity of our work.

Thank you for your leadership on these and other matters. I am making your letters on this and related issues available to the Department's leadership, Inspector General Horowitz, and Mr. Huber for such action as is appropriate. Please contact me personally if you have additional questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jefferson B. Sessions III". The signature is fluid and cursive, with a large, stylized initial "J".

Jefferson B. Sessions III  
Attorney General

cc: The Honorable Dianne Feinstein  
Ranking Member, Senate Committee on the Judiciary

The Honorable Jerry Nadler  
Ranking Member, House Committee on the Judiciary

The Honorable Elijah Cummings  
Ranking Member, House Committee on Oversight and Government Reform

**Lasseter, David F. (OLA)**

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**From:** Lasseter, David F. (OLA)  
**Sent:** Monday, October 16, 2017 6:57 PM  
**To:** Herbert, Jenelle R. (OLA)  
**Cc:** Johnson, Joanne E. (OLA)  
**Subject:** Fwd: Goodlatte draft

ODAG clearance

David F. Lasseter

Begin forwarded message:

**From:** "Schools, Scott (ODAG)" <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>  
**Date:** October 13, 2017 at 08:28:28 EDT  
**To:** "Lasseter, David F. (OLA)" <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>, "Ramer, Sam (OLA)" <[sramer@jmd.usdoj.gov](mailto:sramer@jmd.usdoj.gov)>  
**Subject:** RE: Goodlatte draft

(b) (5)

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**From:** Lasseter, David F. (OLA)  
**Sent:** Tuesday, October 10, 2017 1:45 PM  
**To:** Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>; Ramer, Sam (OLA) <[sramer@jmd.usdoj.gov](mailto:sramer@jmd.usdoj.gov)>  
**Subject:** RE: Goodlatte draft

Thanks Scott. (b) (5)

dfi

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**From:** Schools, Scott (ODAG)  
**Sent:** Sunday, October 8, 2017 3:17 PM  
**To:** Lasseter, David F. (OLA) <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>; Ramer, Sam (OLA) <[sramer@jmd.usdoj.gov](mailto:sramer@jmd.usdoj.gov)>  
**Subject:** Goodlatte draft

David and Sam:

Attached is a draft response to the 9/26/17 Goodlatte et al letter. (b) (5)

(b) (5)

Thanks.

SS



**Tyson, Jill C. (OLA)**

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**From:** Tyson, Jill C. (OLA)  
**Sent:** Monday, November 13, 2017 10:35 AM  
**To:** Brooks, Roshelle (OLA); Mangum, Anela M. (OLA)  
**Subject:** Emailing: Goodlatte et al - Special Counsel 2 - OLA draft.docx  
**Attachments:** Goodlatte et al - Special Counsel 2 - OLA draft.docx

Your message is ready to be sent with the following file or link attachments:

Goodlatte et al - Special Counsel 2 - OLA draft.docx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

**Mangum, Anela M. (OLA)**

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**From:** Mangum, Anela M. (OLA)  
**Sent:** Monday, November 13, 2017 11:29 AM  
**To:** Boyd, Stephen E. (OLA)  
**Subject:** Goodlatte Text

(b) (5)



Anela M. Mangum  
Confidential Assistant  
Office of Legislative Affairs  
U.S. Department of Justice  
202-512-4000

AMERICAN  
OVERSIGHT

DOJ-17-0538-A-000003

Phone: 202-514-4828  
Fax: 202-514-4482



**Boyd, Stephen E. (OLA)**

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**From:** Boyd, Stephen E. (OLA)  
**Sent:** Monday, November 13, 2017 11:42 AM  
**To:** Cutrona, Danielle (OAG); Whitaker, Matthew (OAG)  
**Cc:** Flores, Sarah Isgur (OPA)  
**Subject:** RE: Draft 2

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**From:** Boyd, Stephen E. (OLA)  
**Sent:** Monday, November 13, 2017 11:20 AM  
**To:** Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>  
**Subject:** Draft 2

First Draft to look at.

(b) (5)

(b) (5)

SB

(b) (5)

(b) (5)



**Whitaker, Matthew (OAG)**

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**From:** Whitaker, Matthew (OAG)  
**Sent:** Monday, November 13, 2017 12:48 PM  
**To:** Flores, Sarah Isgur (OPA)  
**Cc:** Cutrona, Danielle (OAG); Boyd, Stephen E. (OLA)  
**Subject:** Re: Draft 2

(b) (5)

On Nov 13, 2017, at 12:39 PM, Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)> wrote:

(b) (6)

xxx

Sarah Isgur Flores  
Director of Public Affairs  
202.305.5808

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**From:** Cutrona, Danielle (OAG)  
**Sent:** Monday, November 13, 2017 12:37 PM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>; Whitaker, Matthew (OAG) <[mwhitaker@jmd.usdoj.gov](mailto:mwhitaker@jmd.usdoj.gov)>  
**Cc:** Boyd, Stephen E. (OLA) <[seboyd@jmd.usdoj.gov](mailto:seboyd@jmd.usdoj.gov)>  
**Subject:** RE: Draft 2

Edits in text below.

(b) (5)

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**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Monday, November 13, 2017 12:12 PM  
**To:** Whitaker, Matthew (OAG) <[mwhitaker@jmd.usdoj.gov](mailto:mwhitaker@jmd.usdoj.gov)>  
**Cc:** Boyd, Stephen E. (OLA) <[seboyd@jmd.usdoj.gov](mailto:seboyd@jmd.usdoj.gov)>; Cutrona, Danielle (OAG) <[dcutrona@jmd.usdoj.gov](mailto:dcutrona@jmd.usdoj.gov)>  
**Subject:** Re: Draft 2

(b) (5)

On Nov 13, 2017, at 12:04 PM, Whitaker, Matthew (OAG) <[mwhitaker@jmd.usdoj.gov](mailto:mwhitaker@jmd.usdoj.gov)> wrote:

(b) (5)

On Nov 13, 2017, at 11:41 AM, Boyd, Stephen E. (OLA) <[seboyd@jmd.usdoj.gov](mailto:seboyd@jmd.usdoj.gov)> wrote:



Duplicate Email (page 6 & 7)

**Tyson, Jill C. (OLA)**

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**From:** Tyson, Jill C. (OLA)  
**Sent:** Monday, November 13, 2017 1:00 PM  
**To:** Boyd, Stephen E. (OLA)  
**Cc:** Escalona, Prim F. (OLA)  
**Subject:** FW: Goodlatte et al letter for review - time sensitive  
**Attachments:** Goodlatte et al - Special Counsel 2 - OLA draft.docx

I understand you may have some edits / comments to incorporate. Here's the latest draft (attached). LMK how I can help.

---

**From:** Tyson, Jill C. (OLA)  
**Sent:** Monday, November 13, 2017 10:22 AM  
**To:** Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>  
**Cc:** Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>  
**Subject:** Goodlatte et al letter for review - time sensitive

Hi, Rob.

Thanks for your help and edits over the weekend on the HJC "Special Counsel 2" letters. (b) (5)

(b) (5)

Thank you.

(b) (5)

(b) (5)

Jill C. Tyson  
Office of Legislative Affairs  
U.S. Department of Justice  
(202) 514-3597  
[Jill.C.Tyson@USDOJ.gov](mailto:Jill.C.Tyson@USDOJ.gov)

AMERICAN  
OVERSIGHT

DOJ-17-0538-A-000009

**Flores, Sarah Isgur (OPA)**

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**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Monday, November 13, 2017 1:07 PM  
**To:** Boyd, Stephen E. (OLA)  
**Subject:** draft

(b) (5)





(b) (5)



xxx

Sarah Isgur Flores  
Director of Public Affairs  
202.305.5808

**Boyd, Stephen E. (OLA)**

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**From:** Boyd, Stephen E. (OLA)  
**Sent:** Monday, November 13, 2017 3:39 PM  
**To:** Mangum, Anela M. (OLA)  
**Subject:** Letter to Goodlatte - Draft - Special Counsel  
**Attachments:** Letter to Goodlatte - Draft - Special Counsel.docx

**Medina, Amelia (ODAG)**

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**From:** Medina, Amelia (ODAG)  
**Sent:** Tuesday, August 1, 2017 6:42 PM  
**To:** Schools, Scott (ODAG); Lasseeter, David F. (OLA)  
**Cc:** Crowell, James (ODAG)  
**Subject:** RE: HJC letter  
**Importance:** High

Scott - (b) (5)

(b) (5)

(b) (5)

Amelia

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**From:** Schools, Scott (ODAG)  
**Sent:** Tuesday, August 1, 2017 8:25 AM  
**To:** Lasseeter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Medina, Amelia (ODAG) <ammedina@jmd.usdoj.gov>  
**Cc:** Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov>  
**Subject:** RE: HJC letter

(b) (5)

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**From:** Lasseeter, David F. (OLA)  
**Sent:** Monday, July 31, 2017 6:30 PM  
**To:** Medina, Amelia (ODAG) <ammedina@jmd.usdoj.gov>  
**Cc:** Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov>; Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>  
**Subject:** RE: HJC letter

Rgr Amelia

Scott - (b) (5)

Thanks,  
David

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**From:** Medina, Amelia (ODAG)  
**Sent:** Monday, July 31, 2017 5:45 PM  
**To:** Lasseeter, David F. (OLA) <dlasseter@jmd.usdoj.gov>  
**Cc:** Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov>; Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>  
**Subject:** RE: HJC letter

Thanks David (b) (5)

(b) (5)

Amelia



**From:** Lasseter, David F. (OLA)  
**Sent:** Monday, July 31, 2017 5:29 PM  
**To:** Medina, Amelia (ODAG) <[ammedina@jmd.usdoj.gov](mailto:ammedina@jmd.usdoj.gov)>  
**Cc:** Crowell, James (ODAG) <[jcrowell@jmd.usdoj.gov](mailto:jcrowell@jmd.usdoj.gov)>; Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>  
**Subject:** FW: HJC letter

Amelia—good afternoon. Letter attached.

(b) (5)

(b) (5)

S/F,  
David

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**From:** Lasseter, David F. (OLA)  
**Sent:** Friday, July 28, 2017 1:22 PM  
**To:** Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>  
**Subject:** HJC letter

Scott—attached is the letter we discussed from HJC Chairman Goodlatte concerning a second special counsel.

Thanks,  
David

David F. Lasseter  
Deputy Assistant Attorney General  
Office of Legislative Affairs  
U.S. Department of Justice  
(202) 514-1260

**Lasseter, David F. (OLA)**

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**From:** Lasseter, David F. (OLA)  
**Sent:** Wednesday, August 2, 2017 11:42 AM  
**To:** (b) (6), (b) (7)(C) per FBI (FBI)  
**Subject:** FW: draft of HJC letter  
**Attachments:** 2017-08-02 draft for response to HJC letter of 7-27-2017.docx; HJC Letter to AG DAG - FINAL.PDF  
**Importance:** High

(b) (5)

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**From:** Medina, Amelia (ODAG)  
**Sent:** Wednesday, August 2, 2017 10:24 AM  
**To:** Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>  
**Cc:** Schools, Scott (ODAG) <:sschools@jmd.usdoj.gov>  
**Subject:** Re: draft of HJC letter  
**Importance:** High

Hi David – (b) (5)

(b) (5)

**Lasseter, David F. (OLA)**

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**From:** Lasseter, David F. (OLA)  
**Sent:** Wednesday, August 02, 2017 11:43 AM  
**To:** (b) (6), (b) (7)(C) per FBI (FBI)  
**Cc:** Kelly, Stephen D. (DO) (FBI)  
**Subject:** FW: draft of HJC letter  
**Attachments:** 2017-08-02 draft for response to HJC letter of 7-27-2017.docx; HJC Letter to AG DAG - FINAL.PDF  
**Importance:** High

Michelle—attached is a draft to the HJC letter from last week.

(b) (5)

(b) (5)

Thanks,  
David

Duplicate Email

**Lasseter, David F. (OLA)**

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**From:** Lasseter, David F. (OLA)  
**Sent:** Monday, August 7, 2017 11:21 AM  
**To:** Weinsheimer, Bradley (NSD); Gauhar, Tashina (ODAG)  
**Cc:** (b) (6), (b) (7)(C) per NSD (NSD)  
**Subject:** RE: Executive Correspondence WF 3868206 for Assignment

Brad—good morning. (b) (5)

Thanks,  
David

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**From:** Weinsheimer, Bradley (NSD)  
**Sent:** Monday, August 7, 2017 10:06 AM  
**To:** Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Gauhar, Tashina (ODAG) <tagauhar@jmd.usdoj.gov>  
**Cc:** (b) (6), (b) (7)(C) per NSD (NSD) (b) (6), (b) (7)(C) per NSD  
**Subject:** FW: Executive Correspondence WF 3868206 for Assignment

(b) (5)

(b) (5)

Thanks, Brad.

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**From:** (b) (6), (b) (7)(C) per NSD (NSD)  
**Sent:** Friday, August 04, 2017 3:57 PM  
**To:** Weinsheimer, Bradley (NSD) <braweinsheimer@jmd.usdoj.gov>; (b) (6), (b) (7)(C) per NSD (NSD)  
**Subject:** Executive Correspondence WF 3868206 for Assignment

(b) (5)

(b) (5)





**Lasseter, David F. (OLA)**

---

**From:** Lasseter, David F. (OLA)  
**Sent:** Monday, September 18, 2017 9:44 AM  
**To:** Ramer, Sam (OLA)  
**Subject:** FW: Draft response to Goodlatte  
**Attachments:** HJC letter to DAG July 27.pdf; ATT00001.txt

Sam--please see below and attached. (b) (5)

Not Responsive Record

Thanks,  
David

-----Original Message-----

**From:** Medina, Amelia (ODAG)  
**Sent:** Sunday, September 17, 2017 7:41 PM  
**To:** Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>  
**Cc:** Schools, Scott (ODAG) <:sschools@jmd.usdoj.gov>  
**Subject:** Draft response to Goodlatte

David - (b) (5)

(b) (5)

Thanks so much. I hope you had a nice weekend,

Amelia



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

October 31, 2018

Re: DOJ-2018-001094 (AG)  
DOJ-2018-001097 (AG)  
DOJ-2018-001096 (AG)  
DOJ-2018-001144 (OLA)  
DOJ-2018-001145 (DAG)  
DOJ-2018-001146 (OLA)  
DOJ-2018-001098 (AG)  
DOJ-2018-001147 (DAG)  
VRB:TAZ:JRS

Mr. Austin R. Evers  
American Oversight  
1350 15<sup>th</sup> Street NW, Suite B255  
Washington, DC 20005  
[foia@americanoversight.org](mailto:foia@americanoversight.org)

Dear Mr. Evers:

This is our final supplemental response to your four Freedom of Information Act (FOIA) requests dated November 22, 2017, in which you requested various records pertaining to Rep. Robert Goodlatte's July 27, 2017 and September 26, 2017 letters and the Department's November 13, 2017 response, including (1) records relating to the drafting of the November 13, 2017 letter signed by Assistant Attorney General Stephen Boyd, (2) records reflecting ethics issues or recusal obligations of the Attorney General, (3) guidance to prosecutors who have been directed to evaluate certain issues, and (4) records identifying "senior federal prosecutors" who have been directed to evaluate certain issues. This response is made on behalf of the Offices of the Attorney General (OAG), Deputy Attorney General (ODAG), and Legislative Affairs (OLA).

We issued our final response to your four FOIA requests on July 16, 2018. Subsequently, we notified you that our Office learned of a technical issue and would re-run searches and process results as appropriate. Since that time, OIP has located an additional thirty-five pages of material responsive to your requests.

I have determined that twenty-one pages containing records responsive to your request are appropriate for release with excisions made pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6), and copies are enclosed. Exemption 5 pertains to certain inter- and intra-agency communications protected by civil discovery privileges. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Please note that duplicative and non-responsive records have not been processed, and are marked accordingly. Additionally, I have determined that fourteen pages containing records responsive to your requests should be withheld in full pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2012 & Supp. V 2017). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Michael Gerardi of the Department's Civil Division, Federal Programs Branch, at (202)-514-0680.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Ziese", with a horizontal line drawn underneath it.

Timothy Ziese  
Senior Reviewing Attorney  
For  
Vanessa R. Brinkmann  
Senior Counsel

Enclosures

**Mangum, Anela M. (OLA)**

---

**From:** Mangum, Anela M. (OLA)  
**Sent:** Monday, November 13, 2017 5:58 PM  
**To:** Flores, Sarah Isgur (OPA)  
**Cc:** Escalona, Prim F. (OLA); Boyd, Stephen E. (OLA)  
**Subject:** RE: What's eta on getting letter out?  
**Attachments:** Goodlatte Letter Special Counsel 11-13-17.docx

-----Original Message-----

From: Flores, Sarah Isgur (OPA)  
Sent: Monday, November 13, 2017 5:51 PM  
To: Mangum, Anela M. (OLA) <amangum@jmd.usdoj.gov>  
Cc: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Boyd, Stephen E. (OLA)  
(b)(6) Stephen Boyd email  
Subject: RE: What's eta on getting letter out?

(b) (5)

\*\*\*

Sarah Isgur Flores  
Director of Public Affairs  
(b) (6)

-----Original Message-----

From: Mangum, Anela M. (OLA)  
Sent: Monday, November 13, 2017 5:37 PM  
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>  
Cc: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Boyd, Stephen E. (OLA)  
(b)(6) Stephen Boyd email  
Subject: RE: What's eta on getting letter out?

Please find the PDF attached.

-----Original Message-----

From: Flores, Sarah Isgur (OPA)  
Sent: Monday, November 13, 2017 5:31 PM  
To: Mangum, Anela M. (OLA) <amangum@jmd.usdoj.gov>  
Cc: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Boyd, Stephen E. (OLA)  
(b)(6) Stephen Boyd email  
Subject: Re: What's eta on getting letter out?

Can you send me PDF?

> On Nov 13, 2017, at 5:30 PM, Mangum, Anela M. (OLA) <amangum@jmd.usdoj.gov> wrote:

(b) (5)

> -----Original Message-----

> From: Escalona, Prim F. (OLA)

> Sent: Monday, November 13, 2017 5:28 PM

> To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>

> Cc: Boyd, Stephen E. (OLA) <(b)(6) Stephen Boyd email>; Mangum, Anela M. (OLA)  
<amangum@jmd.usdoj.gov>

> Subject: Re: What's eta on getting letter out?

(b) (5)

> Sent from my iPhone

>> On Nov 13, 2017, at 5:25 PM, Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov> wrote:

>> (b) (5)

>> \*\*\*

>> Sarah Isgur Flores

>> Director of Public Affairs

>> (b) (6)

>> -----Original Message-----

>> From: Escalona, Prim F. (OLA)

>> Sent: Monday, November 13, 2017 5:23 PM

>> To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>

>> Cc: Boyd, Stephen E. (OLA) <(b)(6) Stephen Boyd email>

>> Subject: Re: What's eta on getting letter out?

>> (b) (5)

>> Sent from my iPhone

>>> On Nov 13, 2017, at 5:14 PM, Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov> wrote:

>>> (b) (5)

>>> \*\*\*

>>> Sarah Isgur Flores

>>> Director of Public Affairs

>>> (b) (6)

>>> -----Original Message-----

>>> From: Escalona, Prim F. (OLA)



>>> From: Escalona, Phil L. (OLA)

>>> Sent: Monday, November 13, 2017 5:11 PM

>>> To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>

>>> Cc: Boyd, Stephen E. (OLA) <b(6) Stephen Boyd email

>>> Subject: Re: What's eta on getting letter out?

>>>

>>> (b) (5)

>>>

>>> Sent from my iPhone

>>>

>>>> On Nov 13, 2017, at 5:07 PM, Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov> wrote:

>>>>

>>>> (b) (5)

Flores, Sarah Isgur (OPA)

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Monday, November 13, 2017 5:37 PM  
**To:** Escalona, Prim F. (OLA)  
**Cc:** Mangum, Anela M. (OLA); Boyd, Stephen E. (OLA)  
**Subject:** Re: What's eta on getting letter out?

Still need PDF:)

> On Nov 13, 2017, at 5:34 PM, Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov> wrote:

>

> (b) (5)

>

# Duplicate

Boyd, Stephen E. (OLA)

---

**From:** Boyd, Stephen E. (OLA)  
**Sent:** Monday, November 13, 2017 5:14 PM  
**To:** Escalona, Prim F. (OLA)  
**Cc:** Flores, Sarah Isgur (OPA)  
**Subject:** Re: What's eta on getting letter out?

(b) (5)

Sent from my iPhone

Duplicate

**Flores, Sarah Isgur (OPA)**

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Monday, November 13, 2017 12:52 PM  
**To:** Whitaker, Matthew (OAG)  
**Cc:** Cutrona, Danielle (OAG); Boyd, Stephen E. (OLA)  
**Subject:** RE: Draft 2

(b) (5)

xxx

Sarah Isgur Flores  
Director of Public Affairs

(b) (6)

---

**From:** Whitaker, Matthew (OAG)  
**Sent:** Monday, November 13, 2017 12:48 PM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Cc:** Cutrona, Danielle (OAG) <[dcutrona@jmd.usdoj.gov](mailto:dcutrona@jmd.usdoj.gov)>; Boyd, Stephen E. (OLA) <[seboyd@jmd.usdoj.gov](mailto:seboyd@jmd.usdoj.gov)>  
**Subject:** Re: Draft 2

(b) (5)

On Nov 13, 2017, at 12:39 PM, Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)> wrote:

(b) (5)

xxx

Sarah Isgur Flores  
Director of Public Affairs

(b) (6)

---

**From:** Cutrona, Danielle (OAG)  
**Sent:** Monday, November 13, 2017 12:37 PM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>; Whitaker, Matthew (OAG) <[mwhitaker@jmd.usdoj.gov](mailto:mwhitaker@jmd.usdoj.gov)>  
**Cc:** Boyd, Stephen E. (OLA) <[seboyd@jmd.usdoj.gov](mailto:seboyd@jmd.usdoj.gov)>  
**Subject:** RE: Draft 2

Edits in text below. (b) (5)

(b) (5)

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Monday, November 13, 2017 12:12 PM  
**To:** Whitaker, Matthew (OAG) <[mwhitaker@jmd.usdoj.gov](mailto:mwhitaker@jmd.usdoj.gov)>  
**Cc:** Boyd, Stephen E. (OLA) <[seboyd@jmd.usdoj.gov](mailto:seboyd@jmd.usdoj.gov)>; Cutrona, Danielle (OAG) <[dcutrona@jmd.usdoj.gov](mailto:dcutrona@jmd.usdoj.gov)>

**Subject:** Re: Draft 2

(b) (5)

On Nov 13, 2017, at 12:04 PM, Whitaker, Matthew (OAG) <[mwhitaker@jmd.usdoj.gov](mailto:mwhitaker@jmd.usdoj.gov)> wrote:

(b) (5)

On Nov 13, 2017, at 11:41 AM, Boyd, Stephen E. (OLA) <[seboyd@jmd.usdoj.gov](mailto:seboyd@jmd.usdoj.gov)> wrote:

---

**From:** Boyd, Stephen E. (OLA)  
**Sent:** Monday, November 13, 2017 11:20 AM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Subject:** Draft 2

(b) (5)



**Brooks, Roshelle (OLA)**

---

**From:** Brooks, Roshelle (OLA)  
**Sent:** Monday, November 13, 2017 10:40 AM  
**To:** Tyson, Jill C. (OLA)  
**Subject:** RE: Emailing: Goodlatte et al - Special Counsel 2 - OLA draft.docx  
**Attachments:** Goodlatte et al - Special Counsel 2 - OLA draft.docx

Sure, see attached.

-----Original Message-----

**From:** Tyson, Jill C. (OLA)  
**Sent:** Monday, November 13, 2017 10:38 AM  
**To:** Brooks, Roshelle (OLA) <rbrooks@jmd.usdoj.gov>  
**Subject:** RE: Emailing: Goodlatte et al - Special Counsel 2 - OLA draft.docx

Can you send me this on letterhead - what you just printed? Thanks

-----Original Message-----

**From:** Tyson, Jill C. (OLA)  
**Sent:** Monday, November 13, 2017 10:35 AM  
**To:** Brooks, Roshelle (OLA) <rbrooks@jmd.usdoj.gov>; Mangum, Anela M. (OLA) <amangum@jmd.usdoj.gov>  
**Subject:** Emailing: Goodlatte et al - Special Counsel 2 - OLA draft.docx

Your message is ready to be sent with the following file or link attachments:

Goodlatte et al - Special Counsel 2 - OLA draft.docx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Boyd, Stephen E. (OLA)

---

**From:** Boyd, Stephen E. (OLA)  
**Sent:** Sunday, November 12, 2017 4:48 PM  
**To:** Hur, Robert (ODAG)  
**Cc:** Flores, Sarah Isgur (OPA)  
**Subject:** Re: Draft text

(b) (5)

Sent from my iPhone

On Nov 12, 2017, at 4:16 PM, Boyd, Stephen E. (OLA) <b(6) Stephen Boyd email wrote:

(b) (5)

Boyd, Stephen E. (OLA)

---

**From:** Boyd, Stephen E. (OLA)  
**Sent:** Sunday, November 12, 2017 4:17 PM  
**To:** Hur, Robert (ODAG)  
**Cc:** Flores, Sarah Isgur (OPA)  
**Subject:** Draft text

(b) (5)

**Johnson, Joanne E. (OLA)**

---

**From:** Johnson, Joanne E. (OLA)  
**Sent:** Friday, September 29, 2017 11:37 AM  
**To:** Ramer, Sam (OLA); Lasseeter, David F. (OLA)  
**Cc:** McKay, Shirley A (OLA)  
**Subject:** FW: ES WF 3868206 Chmn Bob Goodlatte & 19-other Members  
**Attachments:** 3868206.incom.7.27.2017.pdf; 3868206.ES.ctrol.sheet.rtf;  
3868206.email.guidance.htm  
**Importance:** High

Sam - (b) (5)

(b) (5)

Thank you, Joanne

---

**From:** McKay, Shirley A (OLA)  
**Sent:** Friday, September 29, 2017 11:03 AM  
**To:** Johnson, Joanne E. (OLA) <jojohnson@jmd.usdoj.gov>  
**Subject:** ES WF 3868206 Chmn Bob Goodlatte & 19-other Members  
**Importance:** High

Hi Joanne

IQ system indicates the attached Congressional Priority is currently assigned to NSD to draft resp for OLA sig.  
The WF is old-from 7/28/2017. (b) (5)

(b) (5)

Thanks much.

Shirley McKay  
Correspondence Management Analyst  
Office of Legislative Affairs  
U.S. Department of Justice  
Washington, DC 20530  
(202) 514-5305-direct no.

## Husband, Shelley

---

**From:** Husband, Shelley  
**Sent:** Wednesday, September 27, 2017 7:08 PM  
**To:** Boyd, Stephen E. (OLA)  
**Subject:** HJC Letter on Second Special Counsel  
**Attachments:** HJC Follow Up Letter re 2nd SC.PDF

Stephen, just making sure you saw this letter that was sent over from the GOP members of the committee yesterday seeking a second special counsel. See you in the morning! Thanks, Shelley

*Shelley H. Husband*

Chief of Staff & General Counsel | House Committee on the Judiciary  
2138 Rayburn | Washington, D.C. 20515 | 202.225.3951



**Cutrona, Danielle (OAG)**

---

**From:** Cutrona, Danielle (OAG)  
**Sent:** Tuesday, September 26, 2017 2:08 PM  
**To:** Boyd, Stephen E. (OLA)  
**Subject:** RE: Goodlatte & Judiciary Republicans Renew Call for Second Special Counsel to Address Issues Outside the Scope of Mueller's Investigation

OK

---

**From:** Boyd, Stephen E. (OLA)  
**Sent:** Tuesday, September 26, 2017 2:06 PM  
**To:** Cutrona, Danielle (OAG) <[dcutrona@jmd.usdoj.gov](mailto:dcutrona@jmd.usdoj.gov)>  
**Subject:** RE: Goodlatte & Judiciary Republicans Renew Call for Second Special Counsel to Address Issues Outside the Scope of Mueller's Investigation

Yes, I have been expecting this. SB

**Stephen E. Boyd**  
Assistant Attorney General  
U.S. Department of Justice  
Washington, D.C.

(b) (6)

---

**From:** Cutrona, Danielle (OAG)  
**Sent:** Tuesday, September 26, 2017 2:02 PM  
**To:** Boyd, Stephen E. (OLA) (b)(6) Stephen Boyd email  
**Subject:** FW: Goodlatte & Judiciary Republicans Renew Call for Second Special Counsel to Address Issues Outside the Scope of Mueller's Investigation

---

**From:** House Judiciary Press [<mailto:judiciarypress@jdrep.housecommunications.gov>]  
**Sent:** Tuesday, September 26, 2017 1:57 PM  
**To:** Cutrona, Danielle (OAG) <[dcutrona@jmd.usdoj.gov](mailto:dcutrona@jmd.usdoj.gov)>  
**Subject:** Goodlatte & Judiciary Republicans Renew Call for Second Special Counsel to Address Issues Outside the Scope of Mueller's Investigation

FOR IMMEDIATE RELEASE | House Judiciary Committee

FOR IMMEDIATE RELEASE

September 26, 2017

[Permalink](#)

CONTACT:

[Kathryn Rexrode](#) or [Jessica Collins](#)

(202) 225-3951

### **Goodlatte and Judiciary Republicans Renew Call for Second Special Counsel to Address Issues Outside the Scope of Mueller's Investigation**

**Washington, D.C.** – House Judiciary Committee Chairman Bob Goodlatte (R-Va.) and Judiciary Committee Republicans today **renewed** the House Judiciary Committee's request for the appointment of a second special counsel to investigate unaddressed matters that appear to be outside the scope of Special Counsel Robert Mueller's investigation.

In July, Republican members of the House Judiciary Committee sent a **letter** to Attorney General Jeff Sessions and Deputy Attorney General Rod Rosenstein calling for the appointment of a second special counsel to investigate unaddressed matters, some connected to the 2016 election and others, including many actions taken by Obama Administration officials like former Attorney



General Loretta Lynch, FBI Director James Comey, and Secretary of State Hillary Clinton.

Given the recent revelation that former FBI Director Comey had prepared a statement ending the investigation into former Secretary of State Hillary Clinton before interviewing at least 17 key witnesses, including the former Secretary herself, Chairman Goodlatte and Judiciary Republican Members today renewed the Committee's request for a second special counsel to address this matter and the others outlined in the previous letter.

Full text of today's letter is available [here](#) and below.

September 26, 2017

Dear Attorney General Sessions and Deputy Attorney General Rosenstein:

We write to renew this Committee's recent call for a second special counsel, to investigate matters which may be outside the scope of Special Counsel Robert Mueller's investigation. Such a step is even more critical given the recent revelation that former FBI Director James Comey had prepared a statement ending the investigation into former Secretary of State Hillary Clinton, before interviewing at least 17 key witnesses, including the former Secretary herself. At least one former career FBI supervisor has characterized this action as "so far out of bounds it's not even in the stadium," and "clearly communicating to [FBI executive staff] where the investigation was going to go."

Among those witnesses the FBI failed to interview prior to the Director's preparation of his statement were Cheryl Mills and Heather Samuelson, both of whom were close Clinton aides with extensive knowledge of the facts surrounding the establishment of a private email server. Last year, this Committee inquired repeatedly of the Justice Department about the facts surrounding Ms. Mills' and Ms. Samuelson's involvement. Our inquiries were largely ignored. Recently, we wrote to you to request responses to those and other unanswered questions pertaining to the Clinton investigation. We have not received a response. However, as the most recent Comey revelations make clear, ignoring this problem will not make it go away.

As we pointed out at the time, both Ms. Mills and Ms. Samuelson received immunity for their cooperation in the Clinton investigation, but were nevertheless permitted to sit in on the interview of Secretary Clinton. That, coupled with the



revelation that the Director had already drafted an exoneration statement, strongly suggests that the interview was a mere formality, and that the Director had already decided the case would be closed.

During our FBI Oversight hearing last year, Congressman John Ratcliffe questioned the Director about this very issue. In part, that exchange was as follows:

Mr. RATCLIFFE. Director, did you make the decision not to recommend criminal charges relating to classified information before or after Hillary Clinton was interviewed by the FBI on July the 2nd?

Mr. COMEY. After.

Mr. RATCLIFFE. Okay. Then I am going to need your help in trying to understand how that is possible. I think there are a lot of prosecutors or former prosecutors that are shaking our heads at how that could be the case. Because if there was ever any real possibility that Hillary Clinton might be charged for something that she admitted to on July the 2nd, why would two of the central witnesses in a potential prosecution against her be allowed to sit in the same room to hear the testimony?

Why, indeed. Perhaps it was because, just as the Comey revelation suggests, the decision had already been made – prior to the interview of Secretary Clinton, Ms. Mills, Ms. Samuelson, or any of the other 14 potential witnesses – that Secretary Clinton would not be charged with any crimes for her conduct. President Obama had indicated as much, by stating publicly at the time that although Secretary Clinton showed “carelessness” in conducting government business on a private server, she had no intent to endanger national security. Of course, Secretary Clinton’s supposed lack of “intent to harm national security” is a red herring, since the law merely requires the government to show “gross negligence.”

Moreover, we note that not only did the former Director end the investigation prematurely – and potentially at the direction, tacit or otherwise, of President Obama – but he did so while declining to record the interviews of former Secretary Clinton or any of her close associates, as provided for by DOJ policy. The policy states:

*This policy establishes a presumption that the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and the United States Marshals Service (USMS) will electronically record statements made by individuals in their custody.*

*This policy also encourages agents and prosecutors to consider electronic recording in investigative or other circumstances where the presumption does not apply. The policy encourages agents and prosecutors to consult with each other in such circumstances.*

Despite this, the DOJ and FBI declined to exercise their discretion to record the interview of former Secretary Clinton. This is truly inexplicable, given that the case was of keen national interest and importance, and involved a former Secretary of State and candidate for President of the United States who was accused of violating the Espionage Act. It only reinforces the sense that our nation's top law enforcement officials conspired to sweep the Clinton "matter" under the rug, and that there is, truly, one system for the powerful and politically well-connected, and another for everyone else.

In this case, it appears that Director Comey and other senior Justice Department and government officials may have pre-judged the "matter" before all the facts were known, thereby ensuring former Secretary Clinton would not be charged for her criminal activity. We implore you to name a second special counsel, to investigate this and other matters related to the 2016 election, including the conduct of the Justice Department regarding the investigation into Secretary Clinton's private email server.

Sincerely,

Bob Goodlatte  
Louie Gohmert  
Steve King  
Lamar Smith  
Raúl Labrador  
Matt Gaetz  
Doug Collins  
Andy Biggs



Jim Jordan  
Martha Roby  
Mike Johnson  
John Ratcliffe  
Blake Farenthold  
John Rutherford

###

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**Our mailing address:**  
House Judiciary Committee  
2138 Rayburn House Office Bldg  
Washington, DC 20515

[Add us to your address book](#)

[Update your preferences](#) or [unsubscribe](#)



Prior, Ian (OPA)

---

**From:** Prior, Ian (OPA)  
**Sent:** Friday, September 1, 2017 8:55 AM  
**To:** Hankey, Mary Blanche (OLA)  
**Subject:** Fwd: Fox News request-- Goodlatte letter 7/27

(b) (5)

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Office: 202.616.0911  
Cell: (b) (6)

*For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).*

Begin forwarded message:

**From:** "Singman, Brooke" <[brooke.singman@FOXNEWS.COM](mailto:brooke.singman@FOXNEWS.COM)>  
**Date:** September 1, 2017 at 8:34:02 AM EDT  
**To:** "Flores, Sarah Isgur (OPA)" <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)>, "Prior, Ian (OPA)" <[Ian.Prior@usdoj.gov](mailto:Ian.Prior@usdoj.gov)>  
**Subject:** Fox News request-- Goodlatte letter 7/27

Good morning Sarah and Ian!

Just checking in on a letter from House Judiciary Chairman Goodlatte...He sent a letter to the Attorney General on July 27 calling for a second special counsel to investigate former FBI Director Comey and Hillary Clinton. What is the status of that? Especially with the latest revelations out of the Senate Judiciary Committee that Comey drafted an exoneration statement for Clinton before the investigation was over. The president is tweeting about this and the "rigged system" this morning.

We can speak on background, or off the record. Just looking for some guidance with this.

Deadline is as soon as you can... hoping before 11a EST.

Thanks,

Brooke Singman  
Politics Reporter, Fox News Channel  
212-301-5303  
(b) (6)  
[Brooke.singman@foxnews.com](mailto:Brooke.singman@foxnews.com)

This message and its attachments may contain legally privileged or confidential

AMERICAN  
OVERSIGHT

DOJ-17-0538-B-000019

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message (or responsible for delivery of the message to the addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox News or Fox Business must not be taken to have been sent or endorsed by either of them. No representation is made that this email or its attachments are without defect.

**From:** Brooks, Roshelle (OLA) [rbrooks@jmd.usdoj.gov]  
**Sent:** Friday, July 28, 2017 10:51:03 AM  
**To:** DOJExecSec (JMD)  
**CC:** Tolson, Kimberly G (JMD); McKay, Shirley A (OLA)  
**Subject:** FW: House Judiciary Committee Letter to AG & DAG

---

Good morning,

(b) (5)

Best,  
Roshelle

---

**From:** Ramer, Sam (OLA)  
**Sent:** Thursday, July 27, 2017 7:49 PM  
**To:** Lasseeter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Brooks, Roshelle (OLA) <rbrooks@jmd.usdoj.gov>  
**Subject:** Fwd: House Judiciary Committee Letter to AG & DAG

Rochelle-

(b) (5)

Sent from my iPhone

Non-responsive record